

EATON COUNTY BOARD OF APPEALS MINUTES
April 3, 2018

Call to Order: Ms. Claudine Williams, Director of the Community Development Department, called the meeting to order at 6:00 p.m. in the Board of Commissioners Room at the Eaton County Courthouse, 1045 Independence Blvd, Charlotte, Michigan.

Pledge of Flag: The Pledge of Allegiance was given by all.

Roll Call: Mark Stahl, Nikki Chmielewski, Mike Bell, Donald Chase and Charamy Cleary.
Absent: Tim Catron

Staff Present: Claudine Williams and Brandy Hatt

Nominations and elections of Board Chairperson, Vice Chairperson and Secretary.

Ms. Williams asked for nominations for Chairperson. **Member Stahl** nominated Member Chmielewski. **Member Cleary** seconded. **Member Cleary** moved nominations be closed and a unanimous ballot cast for Member Chmielewski. **Member Stahl** seconded. Motion carried.

Member Chmielewski assumed the responsibility of presiding over the meeting.

Member Chmielewski asked for nominations for Vice Chair. **Member Cleary** nominated Member Stahl. **Member Chase** seconded. **Member Cleary** moved nominations be closed and a unanimous ballot cast for Member Stahl. **Member Stahl** seconded. Motion carried.

Member Chmielewski asked for nominations for Secretary. **Member Stahl** nominated Member Chase. **Member Cleary** seconded. **Member Cleary** moved nominations be closed and a unanimous ballot be cast for Member Chase. **Member Stahl** supported. Motion carried.

Member Cleary moved to close elections. **Member Stahl** supported. Motion carried

A motion was made by **Member Stahl** to approve the agenda for the April 3, 2018 meeting. **Member Cleary** supported. Motion carried

A motion was made by **Member Stahl** to approve the minutes from the November 7, 2017 meeting. **Member Cleary** supported. Motion carried.

Communications: None

Public Comment: None

BA-4-18-1: Request by Eaton County Central Dispatch for a variance from Article 14.27.5 E.6. Landscaping; variance is specifically requesting to not add additional landscaping around a Communications Tower located at 4205 W. Butterfield Highway, Section 32, Walton Township.

Staff Report: Ms. Williams read the staff report into record.

Applicants Statement: Mr. Michael Armitage, Director, Eaton County Central Dispatch, stated the staff report sums up the request. He explained the County is working on a new emergency system for 911. He stated the existing tower is a guide wire, one-hundred ninety feet tall, which is not adequate enough for the new equipment needed to serve our police, fire and EMS. He added there is natural landscaping in the area. Mr. Armitage stated they are concerned about adding too much landscaping due to safety and security; they would like the police to be able to see into the tower compound. He stated the proposed tower is two-hundred fifteen feet tall and will be self supporting, unlike the existing lattice tower which has guide wires. He stated the new tower should look better than the existing tower.

Member Stahl invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition: None
Public hearing closed at 6:12 p.m.

Discussion/Comments: **Member Cleary** stated she is not familiar with this area. **Member Chase** stated the driveway to the site is long and there is a mud bog that is held on the property to the west. He stated he does not see a good reason to approve the request.

Member Stahl stated he works in the utility industry, the tower cannot be seen from Butterfield Highway. He added Consumers Energy has landscaping requirements they are required to follow which does pose a security risk. He stated he understands the request from a security stand point; however, we have a set of requirements and should hold everyone to them.

Ms. Williams informed the Board of Appeals government owned communication towers are exempt from the requirement of co-location for security reasons. **Member Cleary** asked about previous applications that were permitted to be exempt from landscaping requirements. Ms. Hatt stated the exemptions were given by the Planning Commission for Construction Contractors Establishments. She stated the language in the Ordinance is passive, specifically, it states the site may require landscaping or bufferyard. Ms. Hatt stated the Planning Commission has considered farm fields to meet the requirements of the landscaping requirements.

Member Bell asked about the proposed landscape plan. Ms. Hatt stated the landscape plan shown on page C-1 of Central Dispatch's plan shows the existing landscaping; they have not proposed to add any additional landscaping. Ms. Williams noted the existing landscaping could be seen on the aerial photo in the staff report packet.

Member Stahl stated he would like to consider this an existing tower to allow for the exemption, but they are going to replace what is there. He stated he believes the site has an established landscape plan and the tower sits far off the road. **Member Stahl** stated he does not think anyone has an issue with Items C., D. or E. He stated an argument could be made that the site is already screened from Butterfield Highway. **Member Cleary** stated the practical difficulty is required to be with the parcel, not the use of the property.

Member Chase asked what the expected life of the tower is. Mr. Armitage said forty to fifty years. **Member Chase** stated there is no housing in the area now, but what if there is in future.

Member Stahl asked if they are required to maintain the landscaping if it is installed and dies. Ms. Williams said yes. **Member Cleary** stated farmers chemicals should not affect the landscaping or vise versa.

Member Chase moved to deny BA-6-17-6 Eaton County Central Dispatch for a variance from Article 14.27.5 E.6. Landscaping; variance was specifically requesting to not add additional landscaping around a Communications Tower located at 4205 W. Butterfield Highway, Section 32, Walton Township. They find that;

The proposed variance does not meet Item A. That there is a practical difficulty in the way of carrying out the strict letter of this Ordinance, Item B. That the practical difficulty is due to unique circumstances related to the particular property and not general to other property in the district or neighborhood or Item C. That the problem was not created by the applicant.

Member Cleary supported. A roll call vote was taken with four (4) voting aye and one (1) voting nay. Motion carried.

Old Business: None
Public Comments: None
New Business: None

Upcoming Cases: Ms. Williams informed the Board of Appeals there are two cases to be heard at their May 1, 2018 meeting and five cases to be heard at their May 8, 2018 special meeting.

A motion was made by **Member Chase** to adjourn the April 3, 2018 Board of Appeals meeting. **Member Stahl** supported. Meeting adjourned at 6:28 p.m.